

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION  
No. 7:10-CR-93-BR-1  
No. 7:15-CV-63-BR

CHARLETTE DUFRAY JOHNSON, )  
Petitioner, )  
 )  
v. ) ORDER  
 )  
UNITED STATES OF AMERICA, )  
Respondent. )

This matter is before the court on petitioner's recent filing of a 28 U.S.C. § 2255 motion. (DE # 246.) Because petitioner has appealed from that portion of this court's 16 January 2015 order dismissing her motion for a writ of habeas corpus pursuant to 28 U.S.C. § 2243, (DE ## 241, 242), which motion asserted two claims for relief that she raises now in her § 2255 motion, (DE # 239), and the appeal remains pending, this court is divested of jurisdiction to rule on the § 2255 motion. See Doe v. Public Citizen, 749 F.3d 246, 258 (4th Cir. 2014) (recognizing that, with limited exceptions, "a timely filed notice of appeal transfers jurisdiction of a case to the court of appeals and strips a district court of jurisdiction to rule on any matters involved in the appeal" (citation omitted)). Accordingly, the court will hold in abeyance initial review of the § 2255 motion under Rule 4 of the Rules Governing Section 2255 Proceedings pending the conclusion of the appellate proceedings.

This 8 April 2015.



W. Earl Britt  
Senior U.S. District Judge